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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

05 ALLAH,) CASE NO. C05-1480-MJP-MAT
06)
07 Petitioner,)
08)
09 v.) ORDER RE: PENDING MOTIONS
10 KAREN BRUNSON,)
Respondent.)
_____)

11 This a federal habeas action which is proceeding under 28 U.S.C. § 2254. Currently
12 pending before the Court are petitioner's motion for immediate release, petitioner's two motions
13 for immediate release and costs and summary judgment, petitioner's motion pursuant to UCC
14 RCW 62A.1-204, and respondent's motion for an extension of time to file an answer to
15 petitioner's federal habeas petition.

16 Each of petitioner's motions for immediate release asserts essentially the same thing; *i.e.*,
17 that respondent has not timely answered petitioner's federal habeas petition. Petitioner's motion
18 pursuant to UCC RCW 62A.1-204 appears to set forth the conditions under which he will accept
19 respondent's motion for extension of time. Respondent's motion for extension of time requests
20 an extension of time until November 6, 2008, to file her answer to petitioner's federal habeas
21 petition because of difficulties counsel has encountered in attempting to obtain the state court
22 records necessary to adequately respond to petitioner's federal habeas petition.

01 The Court, having reviewed the parties' pending motions, and the balance of the record,
02 does hereby find and ORDER as follows:

03 (1) Respondent's motion for an extension of time (Dkt. No. 31) is GRANTED.
04 Respondent is directed to file and serve her answer to petitioner's federal habeas petition not later
05 than November 6, 2008.

06 (2) Petitioner's motions for immediate release (Dkt. Nos. 32, 33, and 37) are
07 STRICKEN. As this Court has determined that respondent's requested extension is warranted,
08 petitioner's motions seeking release from custody based upon respondent's failure to timely
09 respond to his federal habeas petition are moot.

10 (3) Petitioner's motion pursuant to UCC RCW 62A.1-204 (Dkt. No. 36) is
11 STRICKEN. Whether or not petitioner elects to accept respondent's request for extension of time
12 is not relevant to whether respondent's motion has merit.

13 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
14 respondent, and to the Honorable Marsha J. Pechman.

15 DATED this 10th day of October, 2008.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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